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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,034	06/15/2001	John Z. Nassar	34480/87	7816
27871	7590	01/04/2006	EXAMINER	
BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 2800 TORONTO, ON M5L 1A9 CANADA			OYEBISI, OJO O	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,034	<b>Applicant(s)</b> NASSAR, JOHN Z.	
	<b>Examiner</b> OJO O. OYEBISI	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/05/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over The disclosed prior art (the entire background of the invention, also see pg 12, paras 1 under detailed description to pg 13 lines 1-18).

Re claim 1. The disclosed prior art discloses a method for approving asset secured credit requests comprising the steps of: (a) taking applicant identification information from an applicant in a first location (see fig.1, element 10); (b) sending at least some of the applicant identification information to a decision maker in a second location (see fig.1, element 14); and (c) receiving a decision from the decision maker (see fig.1, element 12, also see pg 13 lines 12-13); except for wherein the step of sending at least some of the applicant identification information to a decision maker in a second location comprises (d) entering the at least some of the applicant identification information into a wireless communications device; (e) transmitting the applicant identification information to the decision maker via a signal transmitted by the wireless communications device; and wherein the step of receiving a decision from

the decision maker further comprises: (f) receiving a decision from the decision maker via a signal received by the wireless communications device. However, It was known at the time of the invention that merely providing an automatic means (i.e., wireless) to replace a manual activity (i.e., mail) which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 120 USPQ 193, 194 (CCPA 1958). In other words, there is no enhancement found in the claimed step other than the known advantage of increased speed. The end result is the same as compared to the manual method. It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate, using wired or wireless communication, the manual step of transmitting and receiving the applicant identification information to the decision maker because this would speed up the determining step which is purely known and expected result from automation of what is known in the art. Further, it is old and well-known to transmit and receive data using wireless communication and since applicant identification information stated supra (large or small information) is a form of data, nothing unobvious is seen to have been involved simply having employed these well-known steps as claimed (i.e., (e) transmitting the applicant identification information to the decision maker via a signal transmitted by the wireless communications device; and wherein the step of receiving a decision from the decision maker further comprises: (f) receiving a decision from the decision maker via a signal received by the wireless

communications device).

Re claim 2. The disclosed prior art does not explicitly disclose the method wherein said step of transmitting the applicant identification information comprises transmitting only the applicant identification information. The disclosed prior discloses the method wherein the step of transmitting the applicant identification information comprises transmitting a large amount of information, such as an identification of the purchaser and his present assets and liabilities and an identification of the asset (or product) to be used as security for the purchase (see pg 1 paras 2 under background, also see pg 13, lines 9-12). However, if it occurs to the parties involved that transmitting large volume of information together with applicant identification information slows down the asset-secured credit application processing, it would have been obvious and commonsensible to one of ordinary skill in the art to streamline the transmitting process by transmitting the most vital information, such as applicant identification information, first, and transmitting the non-vital information last, in order to speed up the credit application process.

Re claim 3. The disclosed prior art discloses the method wherein the applicant identification information is the minimum data required to identify a potential borrower (i.e., multiple details to identify the applicant, see pg 1, last line).

Re claim 4. The disclosed prior art discloses the method further comprising a step of preparing contractual documents using more

information than the information transmitted to the decision maker to prepare the contractual documents (i.e., completed contract, see pg 2, lines 3-6, also see pg 13 lines 14-18).

Re claim 5. The disclosed prior art discloses the method step of preparing contractual documents using more information than the information transmitted to the decision maker to prepare the contractual documents comprises the steps of: taking asset information from the applicant; taking payment and banking information from the applicant (see pg 13 lines 9-16); except for entering the asset information and the payment and banking information into the wireless communications device; and printing the contractual documents using the wireless communications device at the first location. However, It was known at the time of the invention that merely providing an automatic means (i.e., wireless) to replace a manual activity (i.e., mail) which accomplishes the same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 120 USPQ 193, 194 (CCPA 1958). In other words, there is no enhancement found in the claimed step other than the known advantage of increased speed. The end result is the same as compared to the manual method. It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate, using wired or wireless communication, the manual step of entering the asset information and the payment and banking information; because this would speed up the determining step which is purely known and expected result from automation of what is known in the

art. Further, it is old and well-known to enter, transmit and receive data using wireless communication and since the asset information and the payment and banking information are form of data, nothing unobvious is seen to have been involved simply having employed these well-known steps as claimed (i.e., step of entering the asset information and the payment and banking information).

Re claim 6. The disclosed prior art discloses the method wherein the step of preparing contractual documents is performed by the decision maker (see pg 13 lines 14-16, also see pg 2 lines 3-5).

Re claim 7. The disclosed prior art discloses the method wherein transmitting involves at least in part transmission over a packetized data network (i.e., PDN, see fig.2, element 20).

Re claims 8 and 9. The disclosed prior art does not disclose the method wherein the wireless communication device is a portable wireless communication device. However, portable wireless communication/hand held computing device are old and well-known in the art.

Re claim 10. The disclosed prior art discloses the method wherein the decision maker is an automated decision maker (see fig.2).

Re claim 11. Claim 11 recites similar limitations to claim 1, and thus rejected using the same art and rationale in the rejection of claim 1.

Re claim 12. Claim 12 recites similar limitations to claim 3, and thus rejected using the same art and rationale in the rejection of claim 3.

Re claim 13. Claim 13 recites similar limitations to claim 4, and thus

rejected using the same art and rationale in the rejection of claim 4.

Re claim 14. Claim 14 recites similar limitations to claim 5, and thus rejected using the same art and rationale in the rejection of claim 5.

Re claim 15. Claim 15 recites similar limitations to claim 6, and thus rejected using the same art and rationale in the rejection of claim 6.

Re claim 16. Claim 16 recites similar limitations to claim 7, and thus rejected using the same art and rationale in the rejection of claim 7.

Re claims 17 and 18. Claims 17 and 18 recite similar limitations to claims 8 and 9 supra, and thus rejected using the same art and rationale in the rejection of claims 8 and 9.

Re claim 19. Claim 19 recites similar limitations to claim 10, and thus rejected using the same art and rationale in the rejection of claim 10.

Re claim 20. The disclosed prior art further discloses a method for approving asset secured credit requests, comprising the steps of: (a) entering applicant identification information; (b) transmitting only the applicant identification information to a decision maker; and (c) receiving a decision on how much credit to offer from the decision maker (see pg 13, lines 1-16). The disclosed prior art does not expressly disclose using wireless communication to carry out the method steps stated hereinabove. However, It was known at the time of the invention that merely providing an automatic means (i.e., wireless) to replace a manual activity (i.e., mail) which accomplishes the same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 120 USPQ 193, 194 (CCPA 1958). In



other words, there is no enhancement found in the claimed step other than the known advantage of increased speed. The end result is the same as compared to the manual method. It would have been obvious to a person of ordinary skill in the art at the time of the invention to automate, using wired or wireless communication, the manual step of approving asset secured credit requests, comprising entering the asset information and the payment and banking information; transmitting only the applicant identification information, and receiving a decision on how much credit to offer from the decision maker because this would speed up the determining step which is purely known and expected result from automation of what is known in the art. Further, it is old and well-known to enter, transmit and receive data using wireless communication and since identification information, asset information and the payment and banking information are all form of data, nothing unobvious is seen to have been involved simply having employed these well-known steps as claimed.

Re claim 21. Claim 21 recites similar limitations to claim 13, and thus rejected using the same art and rationale in the rejection of claim 13.

Re claim 22. Claim 22 recites similar limitations to claim 12, and thus rejected using the same art and rationale in the rejection of claim 12.

Re claim 23. Claim 23 recites similar limitations to claim 13, and thus rejected using the same art and rationale in the rejection of claim 13.

Re claim 24. Claim 24 recites similar limitations to claim 5, and thus rejected using the same art and rationale in the rejection of claim 5.

Re claim 25. Claim 25 recites similar limitations to claim 7, and thus rejected using the same art and rationale in the rejection of claim 7.

Re claims 26 and 27. Claims 26 and 27 recite similar limitations to claims 8 and 9 supra, and thus rejected using the same art and rationale in the rejection of claims 8 and 9.

Re claim 28. Claim 28 recites similar limitations to claim 6 supra, and thus rejected using the same art and rationale in the rejection of claim 6.

Re claim 29. Claim 29 recites similar limitations to claim 10 supra, and thus rejected using the same art and rationale in the rejection of claim 10.

Re claim 30. Claim 30 recites similar limitations to claim 20 supra, and thus rejected using the same art and rationale in the rejection of claim 20.

Re claim 31. Claim 31 recites similar limitations to claim 22 supra, and thus rejected using the same art and rationale in the rejection of claim 22.

Re claim 32. Claim 32 recites similar limitations to claim 31 supra, and thus rejected using the same art and rationale in the rejection of claim 31.

Re claim 33. Claim 33 recites similar limitations to claim 5 supra, and thus rejected using the same art and rationale in the rejection of claim 5.

Re claim 34. Claim 34 recites similar limitations to claim 7 supra, and thus rejected using the same art and rationale in the rejection of claim 7.

Re claims 35 and 36. Claims 35 and 36 recite similar limitations to claims 8 and 9 supra, and thus rejected using the same art and rationale in the rejection of claims 8 and 9.

Re claim 37. Claim 37 recites similar limitations to claim 10 supra, and

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thus rejected using the same art and rationale in the rejection of claim 10.

Re claim 38. Claim 38 recites similar limitations to claim 6 supra, and thus rejected using the same art and rationale in the rejection of claim 6.

Re claims 39. The disclosed prior art further discloses In a method for securing approval of an asset-secured credit transaction, in which information is collected at a first location and is submitted to a second location for transaction approval and preparation of contract documentation (see pg 13 lines 1-16), except for the improvement which comprises: (a) determining the information necessary to be collected for transmission to the second location; (b) segregating such information into a first set of information and a second set of information, said first set comprising information necessary for credit approval and said second set comprising the remaining information; (c) collecting at least the first set of information at said first location; (d) transmitting said first set of information to the second location; (e) awaiting the receipt of a decision on the granting of credit sent from said second location; and (f) if a decision favourable to the granting of credit is received from said second location, then transmitting the second set of information to said second location.

However, if it occurs to the parties involved that transmitting large volume of information together with applicant identification information slows down the asset-secured credit application processing, it would have been obvious and commonsensible to one of ordinary skill in the art to streamline the transmitting process by transmitting the most vital

information (i.e., first set of information), such as applicant identification information, first, and transmitting the non-vital information (i.e., second set of information) last, in order to speed up the credit application process. Further, it is old and well-known to transmit and receive data using wireless communication and since the set of information stated supra i.e., first, second, third etc, are all form of data, nothing unobvious is seen to have been involved simply having employed these well-known steps as claimed hereinabove.

Re claim 40. Claim 40 recites similar limitations to limitation (f) in claim 39 above, and thus rejected using the same art and rationale in the rejection of claim 39.

Re claim 41. The disclosed prior art discloses the method, in which the information is removed from the first location (i.e., car dealerships, hardware stores, department stores etc, see pg 1, paras 1 under background) to a third location (i.e., customer's home, or customer's place of business see pg 1, paras 1 under background) in a stored form prior to transmission, and is transmitted to the second location (i.e., the decision maker's location, see pg 1, first two lines of paras 2 under background) from the third location. The disclosed prior art does not expressly state if the said information stated supra is a first set of information or a second set of information. However, if it occurs to the parties involved that transmitting large volume of information together with applicant identification information slows down the asset-secured credit application

processing, it would have been obvious and commonsensible to one of ordinary skill in the art to streamline the transmitting process by transmitting the most vital information, such as applicant identification information, first, and transmitting the non-vital information last, in order to speed up the credit application process. Further, it is old and well-known to transmit and receive data using wireless communication and since the set of information stated supra i.e., first, second, third etc, are all form of data, nothing unobvious is seen to have been involved simply having employed these well-known steps as claimed hereinabove.

Re claim 42. Claim 42 recites similar limitations to claim 41, and thus rejected using the same art and rationale in the rejection of claim 41.

Re claim 43. Claim 43 recites similar limitations to claim 8, and thus rejected using the same art and rationale in the rejection of claim 8.

Re claim 44. Claim 44 recites similar limitations to claim 7, and thus rejected using the same art and rationale in the rejection of claim 7.

Re claim 45. Claim 45 recites similar limitations to claim 39, and thus rejected using the same art and rationale in the rejection of claim 39.

Re claims 46 and 49. Claims 46 and 49 recite similar limitations to claim 4, and thus rejected using the same art and rationale in the rejection of claim 4.

Re claim 47. Claim 47 recites similar limitations to claim 41, and thus rejected using the same art and rationale in the rejection of claim 41.

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Re claim 48. Claim 48 recites similar limitations to claim 40 above, and thus rejected using the same art and rationale in the rejection of claim 40 .

Re claim 50. Claim 50 recites similar limitations to claim 41, and thus rejected using the same art and rationale in the rejection of claim 41.

Re claim 51. Claim 51 recites similar limitations to claim 8, and thus rejected using the same art and rationale in the rejection of claim 8.

Re claim 52. Claim 52 recites similar limitations to claim 7, and thus rejected using the same art and rationale in the rejection of claim 7.

### ***Conclusion***

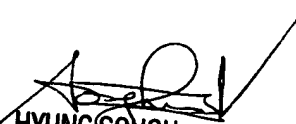
Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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